**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.5668 OF 2005**

Leik Ahmed Shafique Khan ...Applicant
Vs.
The State of Maharashtra,
(DCB, CID) ... Respondent

Mr. Satish L. Maneshinde with Sayaji D. Nangre and Ganesh Jadhav for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

**CORAM : A. S. OKA, J.**
**DATE : SEPTEMBER 14, 2005.**

**P.C.:**
1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The offence registered against the Applicant and the co-accused is under sections 465, 466, 467, 468, 471, 474, 419, 420 of the Indian Penal Code and sections 12(1)(b) of the Passports Act. The allegation of the prosecution is that one Pakistan National obtained Indian Passport. The said Pakistan National was staying unauthorisedly in India. The allegation of the prosecution is that the said Pakistan National was working in an electronic shop at Colaba, Mumbai of one Sayyed Haider Gulam Raza who is the co-accused. In the said shop, the Pakistani citizen was stated to be working as a T.V. mechanic. The allegation against the Applicant and the co-accused Sayyed Hyder Gulan Raza as reflected in the F.I.R. filed by one Shashikant Jagadle, Police Sub-Inspector is that both the co-accused helped the Pakistan National in procurring the fake school leaving certificate and motor driving

licence. The specific allegation against the Applicant and the co-accused is that with the help of said two persons the Pakistani National succeeded in including his name in the ration card of the family of the Applicant. It is alleged that on the basis of the school leaving certificate and such ration card, the citizen of Pakistan could obtain passport. The allegation against the Applicant and the co-accused is of committing forgery, forgery of record, forgery of valuable security for the purposes of cheating, using a forged document as genuine.

2. The learned Counsel for the Applicant relied upon the order dated 01st July, 2005 passed in favour of the co-accused Sayyed who is enlarged on bail by the Sessions Court. He submitted that considering the allegations made in the F.I.R., the Applicant is entitled to be enlarged on bail on ground of parity. He submitted that investigation has been completed. He pointed out that the Applicant is a permenant resident of Mumbai and therefore, the Applicant is entitled to be enlarged on bail.

3. The learned A.P.P. submitted that the allegation against the Applicant is of very serious nature. The learned A.P.P. has pointed out statements of various witnesses and submitted that the Applicant is not entitled to be enlarged on bail.

4. I have considered the submissions. The statement of Alladin discloses that the Applicant accompanied the co-accused Sayyed and the said co-accused represented to the said witness that the Pakistani citizen was a cousin of the Applicant and the said co-accused requested the witness to sign the Passport form. The statement of witness Ramesh More discloses that the Pakistani citizen was known to him as he was working as T.V. mechanic in the shop of the said co-accused and therefore, he had let out his premises to the Pakistan National. The statement of the employee of Rationing Department shows that the Applicant misrepresented that the said citizen was his cousin. However, he stated that he enquired in the shop where the said alleged Pakistan citizen was working and only after verification, he submitted a report. The statement of one Salil Khan discloses that the Pakistan citizen was accomodated by him from July 2002 to July 2004 in his shop. The statement of one Ashok Khedekar, a Police Officer who verified the documents in connection with the Application made for the passport of the Pakistan citizen, discloses that he made enquires with the Applicant as well as the co-accused.

5. The allegation against the Applicant seems to be that he obtained signature of his mother on an

Application on the basis of which name of the Pakistani citizen was entered in the ration card. Except for this allegation, the role ascribed to the Applicant and the co-accused appears to be the same. As stated earlier, the co-accused is enlarged on bail by the learned Sessions Judge even after noting that the offence involved is serious one. The learned Judge noted that co-accused is permanent resident of Mumbai. Even the Applicant is a permanent resident of Mumbai.

6. Considering the nature of the offence, the trial is not likely to be completed within a short span. There are no criminal antecedents of the Applicant. Considering all these circumstances, the Applicant is entitled to be enlarged on bail subject to stringent conditions.

7. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.37 of 2005 registered with CIU, DCB CID, Mumbai,** subject to furnishing a personal bond of **Rs.20,000/-**with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend Colaba Police Station,

Mumbai on every second Monday of every calendar month from 05.00 p.m. to 07.00 p.m. till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant will not leave the city of Mumbai without prior intimation to the Investigating Officer.

iv) The order granting bail will be given effect only after the Applicant surrenders his passport to the Investigating Officer. If the Applicant does not possess passport, he will file an affidavit to that effect in this court within a period of one week.

v) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

vi) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of

trial.

viii) Application is disposed of in above terms.

ix) The parties to act upon an authenticated copy of this order.

**JUDGE**